

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 Abraham J. Colman (SBN 146933)
acolman@reedsmith.com
2 Felicia Y. Yu (SBN 193316)
fyu@reedsmith.com
3 Mathew M. Wrenshall (SBN 284466)
mwrenshall@reedsmith.com
4 REED SMITH LLP
355 South Grand Avenue, Suite 2900
5 Los Angeles, CA 90071-1514
Telephone: 213.457.8000
6 Facsimile: 213.457.8080
7 Attorneys for Defendant
INCOMM HOLDINGS, INC. and
8 BEST BUY CO., INC.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 BARBARA FAFARD, individually and on behalf
of a class of similarly situated individuals,

14 Plaintiff,

15 vs.

16 APPLE INC., BEST BUY CO., INC.; and
17 INCOMM HOLDINGS, INC.,

18 Defendants.
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Case No. 12-CV-5125-CW

**JOINT STATEMENT, STIPULATED
REQUEST, AND ORDER TO EXTEND
TIME TO SUBMIT MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

[Local Rule 6-2, 7-12, 16-2(e)]

The Honorable Claudia Wilken

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Plaintiff Barbara Fafard (“Plaintiff”) and Defendants InComm Holdings, Inc. (“InComm”), Best Buy Co. Inc. (“Best Buy”), and Apple Inc. (“Apple”) (collectively, “Defendants,” and collectively with Plaintiff, the “Parties”), by their undersigned counsel, stipulate as follows:

WHEREAS, the Parties have, with the assistance of the Honorable Ronald M. Sabraw (Ret.), executed a Memorandum of Understanding (MOU) memorializing the Parties’ agreement in principle to settle the litigation;

WHEREAS, the Parties have worked diligently to finalize documents related to the settlement and to prepare a motion for preliminary approval of class settlement for the Court’s consideration by February 6, 2014;

WHEREAS, because of logistical challenges on the part of the Defendants, the Parties require additional time to prepare and submit that motion.

NOW, THEREFORE, IT IS HEREBY AGREED AND STIPULATED, subject to the approval of the Court, that:

The Parties shall submit a motion for preliminary approval of class settlement for the Court’s consideration on February 18, 2014;

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1 The Case Management Conference currently set for March 13, 2014 is continued to
2 March 27, 2014.

3 **IT IS SO STIPULATED.**

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5 DATED: February 7, 2014

MARCUS & AUERBACH LLC

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7 By /s/ Jonathan Auerbach

Jonathan Auerbach
Attorney for Plaintiff
Barbara Fafard

8
9
10 DATED: February 7, 2014

REED SMITH LLP

11 By /s/ Mathew M. Wrenshall

Abraham J. Colman
Felicia Y. Yu
Mathew M. Wrenshall
Attorneys for Defendants
InComm Holdings, Inc. and Best Buy Co. Inc.

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13
14
15 DATED: February 7, 2014

MORRISON & FOERSTER

16
17 By /s/ David M. Walsh


David M. Walsh
Attorney for Defendant
Apple Inc.

ORDER

Pursuant to the above Stipulation, and good cause appearing therefor, the date for submission of the Parties' Motion For Preliminary Approval Of Class Settlement is hereby moved to February 18, 2014. The Case Management Conference is hereby continued to **April 3, 2014**.

IT IS SO ORDERED:

DATED: 2/11/2014


The Honorable Claudia Wilken
United States District Court Judge

1 I, *Mathew M. Wrenshall*, attest that as the ECF filer of this Stipulation I obtained concurrence
2 for this filing from all signatories to this document.

3
4 DATED: February 7, 2014

REED SMITH LLP

5 By /s/ Mathew M. Wrenshall
6 Mathew M. Wrenshall
7 Attorney for Defendants
8 InComm Holdings, Inc. and Best Buy Co. Inc.
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